

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 102

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CORLEW.

6664H.02I

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to toll roads.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2018, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article IV of the Constitution of the state of Missouri:

Section A. Section 30(b), article IV, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 30(b), to read as follows:

Section 30(b). 1. For the purpose of constructing and maintaining an adequate system of connected state highways all state revenue derived from highway users as an incident to their use or right to use the highways of the state, including all state license fees and taxes upon motor vehicles, trailers and motor vehicle fuels, and upon, with respect to, or on the privilege of the manufacture, receipt, storage, distribution, sale or use thereof (excepting those portions of the sales tax on motor vehicles and trailers which are not distributed to the state road fund pursuant to subsection 2 of this section 30(b) and further excepting all property taxes), less the (1) actual cost of collection of the department of revenue (but not to exceed three percent of the particular tax or fee collected), (2) actual cost of refunds for overpayments and erroneous payments of such

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 taxes and fees and maintaining retirement programs as permitted by law and (3) actual cost of
11 the state highway patrol in administering and enforcing any state motor vehicle laws and traffic
12 regulations, shall be deposited in the state road fund which is hereby created within the state
13 treasury and stand appropriated without legislative action to be used and expended by the
14 highways and transportation commission for the following purposes, and no other:

15 First, to the payment of the principal and interest on any outstanding state road bonds.
16 The term state road bonds in this section 30(b) means any bonds or refunding bonds issued by
17 the highways and transportation commission to finance or refinance the construction or
18 reconstruction of the state highway system.

19 Second, to maintain a balance in the state road fund in the amount deemed necessary to
20 meet the payment of the principal and interest of any state road bonds for the next succeeding
21 twelve months.

22 The remaining balance in the state road fund shall be used and expended in the sole
23 discretion of and under the supervision and direction of the highways and transportation
24 commission for the following state highway system uses and purposes and no other:

25 (1) To complete and widen or otherwise improve and maintain the state highway system
26 heretofore designated and laid out under existing laws;

27 (2) To reimburse the various counties and other political subdivisions of the state, except
28 incorporated cities and towns, for money expended by them in the construction or acquisition
29 of roads and bridges now or hereafter taken over by the highways and transportation commission
30 as permanent parts of the state highway system, to the extent of the value to the state of such
31 roads and bridges at the time taken over, not exceeding in any case the amount expended by such
32 counties and subdivisions in the construction or acquisition of such roads and bridges, except
33 that the highways and transportation commission may, in its discretion, repay, or agree to repay,
34 any cash advanced by a county or subdivision to expedite state road construction or
35 improvement;

36 (3) In the discretion of the commission to plan, locate, relocate, establish, acquire,
37 construct and maintain the following:

38 (a) interstate and primary highways within the state;

39 (b) supplementary state highways and bridges in each county of the state;

40 (c) state highways and bridges in, to and through state parks, public areas and
41 reservations, and state institutions now or hereafter established to connect the same with the state
42 highways, and also national, state or local parkways, travelways, tourways, with coordinated
43 facilities;

44 (d) any tunnel or interstate bridge or part thereof, where necessary to connect the state
45 highways of this state with those of other states;

46 (e) any highway within the state when necessary to comply with any federal law or
47 requirement which is or shall become a condition to the receipt of federal funds;

48 (f) any highway in any city or town which is found necessary as a continuation of any
49 state or federal highway, or any connection therewith, into and through such city or town; ~~and~~

50 (g) additional state highways, bridges and tunnels, either in congested traffic areas of the
51 state or where needed to facilitate and expedite the movement of through traffic; **and**

52 **(h) any toll bridges or toll lanes on highways in metropolitan areas for the purpose**
53 **of managing congestion; provided that, the general assembly authorizes the commission**
54 **to impose and collect tolls and authorizes the commission to set toll rates with legislative**
55 **approval.**

56 (4) To acquire materials, equipment and buildings and to employ such personnel as
57 necessary for the purposes described in this subsection 1; and

58 (5) For such other purposes and contingencies relating and appertaining to the
59 construction and maintenance of such state highway system as the highways and transportation
60 commission may deem necessary and proper.

61 2. (1) The state sales tax upon the sale of motor vehicles, trailers, motorcycles, mopeds
62 and motortricycles at the rate provided by law on November 2, 2004, is levied and imposed by
63 this section until the rate is changed by law or constitutional amendment.

64 (2) One-half of the proceeds from the state sales tax on all motor vehicles, trailers,
65 motorcycles, mopeds and motortricycles shall be dedicated for highway and transportation use
66 and shall be apportioned and distributed as follows: ten percent to the counties, fifteen percent
67 to the cities, two percent to be deposited in the state transportation fund, which is hereby created
68 within the state treasury to be used in a manner provided by law and seventy-three percent to be
69 deposited in the state road fund. The amounts apportioned and distributed to the counties and
70 cities shall be further allocated and used as provided in section 30(a) of this article. The amounts
71 allocated and distributed to the highways and transportation commission for the state road fund
72 shall be used as provided in subsection 1 of this section 30(b). The sales taxes which are
73 apportioned and distributed pursuant to this subdivision (2) shall not include those taxes levied
74 and imposed pursuant to sections 43(a) or 47(a) of this article. The term "proceeds from the state
75 sales tax" as used in this subdivision (2) shall mean and include all revenues received by the
76 department of revenue from the said sales tax, reduced only by refunds for overpayments and
77 erroneous payments of such tax as permitted by law and actual costs of collection by the
78 department of revenue (but not to exceed three percent of the amount collected).

79 (3) (i) From and after July 1, 2005, through June 30, 2006, twenty-five percent of the
80 remaining one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
81 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection

82 2 of this section 30(b) shall be deposited in the state road bond fund which is hereby created
83 within the state treasury; (ii) from and after July 1, 2006, through June 30, 2007, fifty percent of
84 the aforesaid one-half of the proceeds of the state sales tax on all motor vehicles, trailers,
85 motorcycles, mopeds and motortricycles which is not distributed by subdivision (2) of subsection
86 2 of this section 30(b) shall be deposited in the state road bond fund; (iii) from and after July 1,
87 2007, through June 30, 2008, seventy-five percent of the aforesaid one- half of the proceeds of
88 the state sales tax on all motor vehicles, trailers, motorcycles, mopeds and motortricycles which
89 is not distributed by subdivision (2) of subsection 2 of this section 30(b) shall be deposited in the
90 state road bond fund; and (iv) from and after July 1, 2008, one hundred percent of the aforesaid
91 one-half of the proceeds of the state sales tax on all motor vehicles, trailers, motorcycles, mopeds
92 and motortricycles which is not distributed by subdivision (2) of subsection 2 of this section
93 30(b) shall be deposited in the state road bond fund. Moneys deposited in the state road bond
94 fund are hereby dedicated to and shall only be used to fund the repayment of bonds issued by the
95 highways and transportation commission to fund the construction and reconstruction of the state
96 highway system or to fund refunding bonds, except that after January 1, 2009, that portion of the
97 moneys in the state road bond fund which the commissioner of administration and the highways
98 and transportation commission each certify is not needed to make payments upon said bonds or
99 to maintain an adequate reserve for making future payments upon said bonds may be
100 appropriated to the state road fund. The highways and transportation commission shall have
101 authority to issue state road bonds for the uses set forth in this subdivision (3). The net proceeds
102 received from the issuance of such bonds shall be paid into the state road fund and shall only be
103 used to fund construction or reconstruction of specific projects for parts of the state highway
104 system as determined by the highways and transportation commission. The moneys deposited
105 in the state road bond fund shall only be withdrawn by appropriation pursuant to this
106 constitution. No obligation for the payment of moneys so appropriated shall be paid unless the
107 commissioner of administration certifies it for payment and further certifies that the expenditure
108 is for a use which is specifically authorized by the provisions of this subdivision (3). The
109 proceeds of the sales tax which are subject to allocation and deposit into the state road bond fund
110 pursuant to this subdivision (3) shall not include the proceeds of the sales tax levied and imposed
111 pursuant to sections 43(a) or 47(a) of this article nor shall they include the proceeds of that
112 portion of the sales tax apportioned, distributed and dedicated to the school district trust fund on
113 November 2, 2004. The term "proceeds from the state sales tax" as used in this subdivision (3)
114 shall mean and include all revenues received by the department of revenue from the said sales
115 tax, reduced only by refunds for overpayments and erroneous payments of such tax as permitted
116 by law and actual costs of collection by the department of revenue (but not to exceed three
117 percent of the amount collected).

118 3. After January 1, 1980, any increase in state license fees and taxes on motor vehicles,
119 trailers, motorcycles, mopeds and motortricycles other than those taxes distributed pursuant to
120 subsection 2 of this section 30(b) shall be distributed as follows: ten percent to the counties,
121 fifteen percent to the cities and seventy-five percent to be deposited in the state road fund. The
122 amounts distributed shall be apportioned and distributed to the counties and cities as provided
123 in section 30(a) of this article, to be used for highway purposes.

124 4. The moneys apportioned or distributed under this section to the state road fund, the
125 state transportation fund, the state road bond fund, counties, cities, towns or villages shall not
126 be included within the definition of "total state revenues" as that term is used in section 17 of
127 Article X of this constitution nor be considered as an "expense of state government" as that term
128 is used in section 20 of article X of this constitution.

129 **5. The revenues obtained from all tolls imposed and collected under the authority**
130 **granted in paragraph (h) of subdivision (3) of this section shall not be included within the**
131 **definition of "total state revenues" as that term is used in section 17 of article X of the**
132 **Missouri Constitution, nor be considered "new annual revenues" as that term is used in**
133 **section 18(e) of article X of the Missouri Constitution, nor be considered as an "expense**
134 **of state government" as that term is used in section 20 of article X of the Missouri**
135 **Constitution.**

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